

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

CSX TRANSPORTATION, INC.,
individually and on behalf
of Norfolk & Portsmouth Belt
Line Railroad Company,

Plaintiff,

v.

Civil No. 2:18cv530

NORFOLK SOUTHERN RAILWAY COMPANY,
and NORFOLK & PORTSMOUTH BELT LINE
RAILWAY COMPANY,

Defendants.

ORDER

This matter is before the Court on a motion to dismiss all remaining claims for relief, filed by Defendant Norfolk & Portsmouth Belt Line Railway Company ("NPBL") on January 9, 2023. ECF No. 572. Defendant Norfolk Southern Railway Company ("NSR") joins in the motion. ECF No. 574. Plaintiff CSX Transportation, Inc. ("CSX") has now filed its responsive brief, ECF No. 593, and Defendants must file their replies no later than 5:00 p.m. today. A bench trial is currently scheduled to begin on January 18, 2023.

In light of the potentially dispositive nature of the issues raised in Defendants' motions, as well as CSX's astute comments regarding the risk of wasting the Court's and the parties' resources if the Court were to resolve the pending motions in Defendants' favor after trial, the parties are **INFORMED** that the

bench trial, if any, will begin on Thursday, January 19, 2023. The Court makes this decision in consideration of the parties' need to coordinate witnesses and other matters in preparation for their trial presentations. The parties are **REQUESTED** to preserve their availability on January 18, 2023, should a matter arise that requires a status conference or other proceeding.

The Clerk is **DIRECTED** to send a copy of this Order to all counsel of record.

IT IS SO ORDERED.

/s/ 

Mark S. Davis
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
January 13, 2023